

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANTHONY MARANO COMPANY, )  
                                 ) )  
Plaintiff,                 ) ) Case No. 16-cv-02051  
vs.                         ) ) Judge: Samuel Der-Yeghiayan  
JOE CAPUTO & SONS, INC. a/t/a JOE ) ) Magistrate Judge: Jeffrey T. Gilbert  
CAPUTO #1 a/t/a JOE CAPUTO #1 – DES ) )  
PLAINES, *et al.*                 ) )  
                               ) )  
Defendants.                 ) )

**ORDER**

**AUTHORIZING SETTLEMENT OF PACA TRUST CLAIMS,  
APPROVING ATTORNEYS' FEES AND EXPENSES,  
APPROVING AMENDED PACA TRUST CHART AND AUTHORIZING FIRST AND  
FINAL DISTRIBUTION IN ACCORDANCE WITH AMENDED PACA TRUST CHART**

This matter is before the Court upon the Plaintiff's Motion to Authorize Settlement of PACA Trust Claims, Approve Attorneys' Fees and Expenses, Approve Amended PACA Trust Chart and Authorize First and Final Distribution in Accordance with Amended PACA Trust Chart [Dkt. No. 76]. After careful consideration of the record, it is,

**ORDERED** that the Plaintiff's Motion to Authorize Settlement of PACA Trust Claims, Approve Attorneys' Fees and Expenses, Approve Amended PACA Trust Chart and Authorize First and Final Distribution in Accordance with Amended PACA Trust Chart [Dkt. No.76] is GRANTED, and it is further,

**ORDERED** that the Settlement between the Trustee<sup>1</sup>, PACA Claimants, the Defendants, MB Financial Bank, N. A., Randall Partners, LLC, Foxfire Partners, LLC, and Oaks SC Partners, LLC Trustee, as set forth in the Plaintiff's Motion to Authorize Settlement of PACA Trust

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<sup>1</sup> Any capitalized term not defined herein shall have the meaning ascribed in the Plaintiff's Motion to Authorize Settlement of PACA Trust Claims, Approve Attorneys' Fees and Expenses, Approve Amended PACA Trust Chart and Authorize First and Final Distribution in Accordance with Amended PACA Trust Chart [Dkt. No. 76].

Claims, Approve Attorneys' Fees and Expenses, Approve Amended PACA Trust Chart and Authorize First and Final Distribution in Accordance with Amended PACA Trust Chart [Dkt. No. 76], is APPROVED, and it is further,

**ORDERED** that the Settlement was reached in good faith, and that the Court's approval and confirmation is in the best interests of all parties, and it is further,

**ORDERED** that the professional fees and expenses of Robert B. Marcus, Esq., Mary Jean Fassett, Esq., and William Kohn, Esq. are fair and reasonable and that the Court's approval and confirmation is in the best interests of all parties, and it is further,

**ORDERED** that the PACA Trust Chart (First Amended and Final Distribution) including the allocations therein, the interest therein, the fair and reasonable attorneys' fees and expenses therein, and the first and final distribution therein is APPROVED, and it is further,

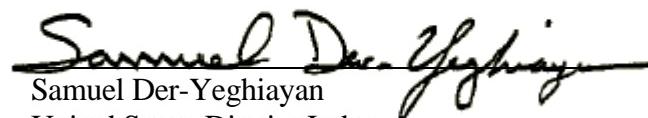
**ORDERED** that Robert Marcus, Esq., shall cause to be made *pro rata* distributions from the aggregate \$5,333,673.13 PACA Claim amount set forth in the PACA Trust Chart (First Amended and Final Distribution) filed in this matter to counsel for their respective claimants, in trust, directly from the Sale proceeds at the time of closing, \$4,214,729.11 to Robert Marcus, Esq. and \$1,118,944.02 to McCarron & Diess, and it is further,

**ORDERED** that if any further distributions are received for the PACA Claimants in this action they are to be distributed *pro rata* to counsel for the respective claimants, in trust, without further Order of the court, and it is further,

**ORDERED** that the MB Financial Reservation is stricken as moot.

**SO ORDERED**

This the 26<sup>th</sup> day of May, 2016

  
Samuel Der-Yeghiayan  
United States District Judge